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Pope Pius IX and the Disciplinary Autonomy of the Catholic East with Special Reference to the Chaldean Patriarchate

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The long Pontificate of Pope Pius IX (16 June 1846-7 February 1878) was marked by significant events with ecclesiastical and political repercussions in Rome and throughout the world: the definition of the dogma of the Immaculate Conception (1854), the unification of Italy and the loss of the Papal States (1870), the modification of Eastern canonical discipline concerning the election of patriarchs and bishops (1867-1869), and the convocation of the First Vatican Council, which promulgated the dogmas of papal primacy and infallibility (1869-1870). The first part of this article explores the relationship of Pope Pius IX with the Catholic East, which is closely linked to the First Vatican Council and the dogma of infallibility. The second part is dedicated to the conflicts between Pope Pius IX and Chaldean Patriarch Joseph Audo concerning the disciplinary autonomy of the Patriarchate and the synodal election of bishops, which affected the Chaldean Church (in Iran and Iraq) and the Malabar Church in India.

1. Pope Pius IX and His Historical Background

Giovanni Maria Mastai Ferretti, who later became Pope Pius IX, was born on 13 May 1792 in Senigallia (Italy). After completing his secular and theological studies, Mastai was ordained a priest on 10 April 1819. He exercised the priestly

ministry successfully for about eight years and then Pope Leo XII appointed the 35-year-old Mastai Ferretti as Archbishop of Spoleto in 1827. In 1828 he was transferred to the Diocese of Imola, appointed cardinal *in pectore* on 23 December 1839 and was publicly announced as cardinal-priest of *Santi Marcellino e Pietro* on 14 December 1840.¹ After the death of Pope Gregory XVI (1831-1846) on 16 June 1846, the Conclave elected the then 54-year-old Mastai Ferretti as Pope, who assumed the name Pius IX.²

The temporal sovereignty of the Pope over some territories, which began gradually in the eighth century and was consolidated over time, was considered necessary for the autonomy of the Church and the freedom of the Pope in exercising his primatial power.³ Since his election in 1846, Pope Pius IX was also the sovereign ruler of approximately 3 million subjects in the Papal States, which comprised most of the present-day Italian regions of Lazio (including Rome, of course), Marche, Umbria and Romagna, as well as parts of Emilia.⁴ The

¹ Cf. V. Faraoni e A. Mencucci, *Vita del Venerabile Papa Pio IX*, Senigallia 2000, 7-25; *Enciclopedia dei papi: Innocenzo VIII-Giovanni Paolo II* (vol. 3), Roma 2000, 560. For more information concerning the early life of Pius IX: G. Serafini, *Pio Nono, Giovanni Maria Mastai Ferretti I: Le vie della divina provvidenza (1792-1846)*, Città del Vaticano 1958; A. Polverari, *Vita di Pio IX*, vol. 1, Città del Vaticano 1988.

² For information concerning the Conclave and the election of Pope Pius IX: G. Martina, *Pio IX (1846-1850)*, Roma 1974 (*Miscellanea Historiae Pontificiae*, vol. 38), 81-96; *Storia della Chiesa XXI/1: Il Pontificato di Pio IX (1846-1878)*, Cinisello Balsamo (Milano) 1990, 25-27.

³ L. Duchesne, *The Beginnings of the Temporal Sovereignty of the Popes A.D. 754-1073* (English translation from French by H. M. Arnold), London 1907, 13-269.

⁴ For information concerning the activities of Pope Pius IX as the temporal sovereign and the situation of the Papal States: G. Martina, *Pio IX (1851-1866)*, Roma 1986 (*Miscellanea Historiae Pontificiae*, vol. 51), 2-35 e 85-144; R. De Cesare, *The Last Days of Papal Rome (1850-1870)*, London 1909, xvii-xviii, 198-217.

most politically significant event during the Pontificate of Pius IX was the loss of the Papal States through the unification of Italy with the gradual annexation of various Italian kingdoms, including the papal territories, to the then Kingdom of Piedmont under the leadership of King Victor Emmanuel II.⁵ On 17 March 1861, the new Kingdom of Italy, which also included the already annexed papal territories, was officially proclaimed. The unification process was then completed with the final capture of Rome by Italian troops on 20 September 1870, which marked the end of the Papal States and the Pope's temporal power.⁶ Despite this tragic situation, which was characterized by fear and terror, the Pope decided to remain in Rome as a "prisoner of the Vatican" after discussions with the cardinals and all other parties involved, rejecting the suggestion of some to flee to a safe place in Italy or abroad.⁷

The loss of the Papal States, especially the city of Rome, was a great shock for Pope Pius IX, who ruled over them as a sovereign emperor with the support of the Roman Curia.⁸ It is

⁵ From the ample bibliography on the unification of Italy, here only a few works are indicated: A. M. Banti, *La nazione del Risorgimento: Parentela, santità e onore alle origini dell'Italia unita*, Torino 2000; G. Di Fiore, *Controstoria dell'Unita d'Italia: Fatti e misfatti del Risorgimento*, Milano 2007; P. Pirri, *Pio IX e Vittorio Emanuele II dal loro carteggio privato*, 3 voll., 5 tomi (*Miscellanea Historiae Pontificiae* VIII, XVI, XVII, XXIV, XXV), Roma 1944-1961.

⁶ Cf. *Storia della Chiesa XXI/1: Il Pontificato di Pio IX*, 134-162; P. Dalla Torre, *La difesa di Roma nel 1870*, in *Pio IX nel primo centenario della morte*, Città del Vaticano 1978, 485-659; R. De Cesare, *The Last Days of Papal Rome*, 439-460; H. Jedin and J. Dolan (eds.), *History of the Church, Volume VIII: The Church in the Age of Liberalism*, New York 1982, 250-254. For ample documentation concerning the end of Papal States: N. Miko, *Das Ende des Kirchenstaates*, 4 voll., Wien-München 1964-1970.

⁷ Cf. G. Martina, *Pio IX (1867-1878)*, Roma 1990 (*Miscellanea Historiae Pontificiae*, vol. 58), 247-250; H. Jedin and J. Dolan (eds.), *History of the Church, Volume VIII*, 254-255.

⁸ Cf. Pius IX, encyclical *Rescriptores* (1 November 1870), in *Pii IX Pontificis*

possible that the loss of temporal sovereignty also prompted the Pope and the Roman Curia to establish their supreme power and absolute jurisdiction over the universal Church, including the Catholic East.

2. Modification of Eastern Canonical Discipline concerning the Election of Patriarchs and Bishops, Armenian Schism

In the Ottoman Empire the patriarchs were considered the religious and civil heads of the community; in the Armenian Church patriarchs and bishops were elected with the participation of priests, monks and lay Christian faithful. One of the main reasons for the conflicts between Pope Pius IX and the Eastern Catholic Churches was the Pope's desire to reserve the appointment of bishops for himself. As Giacomo Martina rightly points out:

Pope Pius IX wanted to remove the election of patriarchs and bishops from the influence of the laity at all costs; he did not want to entrust the election entirely to the local episcopate, but to reserve the appointment to himself, or at least to be controlled by him. All this meant abandoning centuries-old practices, renouncing the great autonomy that the various Eastern Churches had enjoyed for centuries, and inevitably led to bitterness and harsh conflicts.⁹

The first of these conflicts erupted between the Pope and the Armenian Catholic Church, eventually resulting in a new schism within the Armenian Catholic Church.

2.1. The Historical Situation of the Armenian Catholic Church in the XIX Century

From the XIX century onwards, there were two primatial sees and two centres of authority in the Armenian Catholic

Maximi Acta, Pars prima, vol. V, 263-277.

⁹ G. Martina, *Pio IX (1867-1878)*, 53.

Church: the Catholic Patriarchate of Cilicia of the Armenians with the see in the remote village of Bzommar in Lebanon (where the Maronites had sheltered the Armenian Patriarch from 1740 to protect him from persecutions) and the primatial archbishopric of Constantinople erected by Pope Pius VIII on 6 July 1830 (an Armenian vicariate for the Armenian Catholics in Constantinople and Turkey had existed since 9 July 1759). In 1850 six new episcopal sees were also established in Turkey under the primatial see of Constantinople, which further strengthened this see and provoked occasional disputes over jurisdiction between the two heads of the same Church.¹⁰ At this time, there were around thirteen sees in the Patriarchate of Cilicia. The primatial see of Constantinople had about 28,000 faithful scattered throughout Europe, Turkey and Greater Armenia, while the Armenian Patriarchate of Cilicia had no more than 16,000 faithful.¹¹

Two canonical disciplines also prevailed in the two primatial sees of the Armenian Catholic Church. In the see of Constantinople, which was established by Rome, the primatial head (archbishop) and the bishops were appointed by the Roman Pontiff in accordance with the Latin discipline of the time, while in the Patriarchate of Cilicia the Patriarch and the bishops were elected in a synod with some participation of priests, monks and lay Christian leaders in accordance with the Eastern tradition.¹² In fact, the instruction of the Propaganda Fide on 20 August 1853 entitled *Licet* regulated the appointment of bishops in the primatial see of Constantinople and in its suffragan sees: the role

¹⁰ Cf. Congregation for the Eastern Churches, *The Catholic East*, Vatican City 2019, 291-292; G. Martina, *Pio IX (1867-1878)*, 61-62; H. Jedin and J. Dolan (ed.), *History of the Church, Volume VIII: The Church in the Age of Liberalism*, 171.

¹¹ G. Martina, *Pio IX (1867-1878)*, 62.

¹² Cf. G. Martina, *Pio IX (1867-1878)*, 63-64.

of the bishops was limited to proposing three candidates (*ternus*) for appointment to the Roman Pontiff via the Propaganda Fide.¹³

2.2. Unification of the Armenian Patriarchate of Cilicia and the Primatial See of Constantinople

Pope Pius IX, the Propaganda Fide and even the Armenian Church desired the unification of the Church, specifically the Patriarchate of Cilicia and the primatial see of Constantinople, but the real problem was the unification of discipline. Pope Pius IX aimed to extend the provisions of the instruction *Licet* to the entire Patriarchate, while the Armenians desired to retain their rights and privileges.¹⁴ In fact, unification occurred after the death of Gregory Petros VIII (Michel) Der-Astvadzadourian on 9 January 1866, Patriarch of Cilicia of the Armenians (1843-1866).¹⁵ On 14 September 1866 Anton or Andon (= Anthony) Bedros Hassoun, a former alumnus of the Propaganda Fide and until then archbishop primate of Constantinople was elected as the Patriarch of the unified Armenian Catholic Patriarchate in the synod of bishops of the Armenian Church, held under the presidency of Joseph Valerga, Latin Patriarch of Jerusalem and pro-apostolic delegate in Syria.¹⁶

Immediately after the election the bishops of the Armenian Church informed Pope Pius IX and Propaganda Fide of the

¹³ The instruction can be found in Mansi 40, coll. 927-928. Cf. G. Martina, *Pio IX (1851-1866)*, 369-370.

¹⁴ Cf. G. Martina, *Pio IX (1867-1878)*, 64-65.

¹⁵ *Hierarchia Catholica*, vol. 7 (1800-1846), Padova 1968, 151.

¹⁶ For more information concerning the election of Anthony Hassoun: G. Martina, *Pio IX (1867-1878)*, 65-66; C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 1453-1923, Cambridge 1983, 264-265; R. J. Taft, "Between East and West: The Eastern Catholic ('Uniate') Churches", in S. Gilley and B. Stanley (ed.), *The Cambridge History of Christianity, World Christianities, C. 1815-C. 1914* (vol. 8), Cambridge 2008, 416; for information about Latin Patriarch Valerga: *Hierarchia Catholica*, vol. 8 (1846-1903), Padova 1978, 204.

result and announced that they had proclaimed Msgr. Anthony Hassoun “archbishop primate of Constantinople as Patriarch of Cilicia, with the name of Peter IX and as successor in the rights and privileges of the ... deceased Patriarch.”¹⁷ However, the confirmation of the election was delayed by more than a year, due to the dispute over the canonical discipline to be followed in the unified Patriarchate: in general the Armenian bishops wanted to retain the rights and privileges of the Patriarch of Cilicia, while Pope Pius IX sought to extend the system of papal appointment of bishops, which until then had prevailed in the primatial see of Constantinople, to the entire Armenian Patriarchate.¹⁸ After many discussions at the Propaganda Fide and consultations on the crucial question of the appointment of bishops, Pope Pius IX decided in favour of the procedure already indicated in the above-mentioned Instruction *Licet*: a list of three candidates (*ternus*) drawn up by the Patriarch and the synod of bishops was to be transmitted to the Pope, who would select one of the candidates directly. Moreover, the clergy and the people were absolutely excluded from the election of the patriarch.¹⁹

In a secret consistory on 12 July 1867, Pope Pius IX definitively abolished the primatial and archiepiscopal status of the Armenian See of Constantinople and united it with the Patriarchate of Cilicia of the Armenians. The Pope also confirmed the election of Anthony Hassoun as Patriarch of the united Armenian Patriarchate and conferred upon him the sacred pallium. The formula used by the Pope is as follows:

By the authority of Almighty God, the holy Apostles Peter and Paul, and of Our own authority, We suppress the primatial and archiepiscopal titles of the See of Constantinople,

¹⁷ G. Martina, *Pio IX (1867-1878)*, 66.

¹⁸ For details and documentation: G. Martina, *Pio IX (1867-1878)*, 66-71.

¹⁹ Mansi 40, coll. 940-942.

established by Our predecessor of happy memory, Pius VIII, and permanently unite the ecclesiastical province of the same See with the Patriarchate of the Armenians of Cilicia: We confirm and approve the election, or postulation, made by the Venerable Brothers, the Armenian Bishops of Cilicia, of the person of Venerable Brother Anthony Hassoun, and appoint him Patriarch and Pastor of the same Patriarchal Church, as will be set forth in the Consistorial Decree and on the separate sheet, notwithstanding anything to the contrary. In the Name of the Father, and of the Son, and of the Holy Spirit. Amen.²⁰

In the same address to the secret consistory of 12 July 1867, convened for the confirmation of Patriarch Anthony Hassoun, Pope Pius IX declared his decision to change the discipline regarding the election of patriarchs and bishops in all the Eastern Catholic Churches, reserving to himself the confirmation of the election of patriarchs and the appointment of bishops.²¹

2.3. Promulgation of the Apostolic Letter *Reversurus* and the Curtailment of Disciplinary Autonomy in the Armenian Church

In fact, on the same day (12 July 1867), the Pope promulgated the apostolic letter *Reversurus* (*ex hoc mundo*), which modified the Eastern canonical discipline in the Armenian Church.²² In the first part of the apostolic letter, the Pope emphasised the universal primacy of papal jurisdiction, which was defined in the council of Florence in the presence of the Orientals, as well as the practice of patriarchs receiving the

²⁰ *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, Romae 1868, 302-303.

²¹ Pius IX, Allocution *Cum ex hac vita*, in *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, 296-303.

²² Pius IX, Ap. letter *Reversurus*, in *Acta Sanctae Sedis* 3 (1887) 386-393; in *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, 304-310; also in R. De Martinis (ed.), *Iuris Pontificii de Propaganda Fide*, vol. VI-I, Romae 1894, 453-458.

Pope's letter of confirmation since ancient times. The Pope then continues with the history of the Armenian Catholic Church: the reunion of Abraham Peter I and the establishment of the Armenian Catholic Patriarchate of Cilicia, the constitution of the primatial archiepiscopal see of Constantinople, the unification of the Patriarchate and the confirmation of Anthony Hassoun as the first Patriarch of the united Armenian Catholic Church.²³

The Pope then proceeded to modify the Eastern canonical discipline regarding the election of patriarchs and bishops. The most important changes concerning the election of the Patriarch were: 1) prohibition of the Armenian tradition which allowed the participation of the Christian faithful and priests in the election; 2) confirmation of the election or postulation by the Pope before enthronement; 3) prohibition of the exercise of patriarchal powers before the conferral of the pallium; 4) prescription of an *ad limina* visit every five years; and 5) restriction of the alienation of temporal goods by the Patriarch. The relevant parts of the apostolic letter *Reversurus* on the election of the Patriarch follow:

However, only bishops are entitled to vote in the election of the Patriarch; clerics and priests, who have no episcopal character, are completely excluded. Certainly, none of the laity can interfere in the same election and take part in it under any unusual pretence or excuse.

Moreover, we do not wish the patriarch-elect to be enthroned, as they say, or to acquire any right or jurisdiction, even by a procuratorial or vicarious name or title in the Patriarchate, unless his election or postulation has been previously approved by us or by the contemporary Roman Pontiff and confirmed according to custom, and the apostolic letter of his confirmation has been obtained, after every custom to the contrary has been abolished.

²³ Pius IX, Ap. letter *Reversurus*, *Acta Sanctae Sedis* 3 (1887) 386-390; *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, 304-317.

The same patriarch, although confirmed by the Apostolic See as stated above, will not be permitted to consecrate bishops, convoke a synod, consecrate chrism, consecrate churches, or ordain clerics, until he has received the sacred pallium from the Apostolic See.

However, the Patriarch will be able to use the above-mentioned Pallium only during solemn Masses within the boundaries and in the churches of his Patriarchate on the following days; that is, on the Nativity of Our Lord Jesus Christ [...].

Every five years the Patriarch shall personally visit the holy thresholds of the blessed Apostles Peter and Paul and render an account to the contemporary Roman Pontiff of his entire pastoral office and of all matters concerning the state of his Patriarchate; he shall humbly receive his advice and orders and carry them out with the greatest care.

Goods (property) belonging to the Church or to his table (house) or to other churches or to the pious places of his Patriarchate shall not be sold or given away or mortgaged or remortgaged or otherwise alienated by the same Patriarch, nor allow them to be alienated by anyone, without consulting the Roman Pontiff, according to the form of the oath which the elected patriarchs of the Eastern rite must take on their promotion.²⁴

According to the apostolic letter *Reversurus*, two juridical acts of the Apostolic See were required for a patriarchal election to take place: firstly, confirmation of the election by the Pope and then the conferral of the pallium. Before the pallium was conferred, the elected and confirmed Patriarch could not even exercise episcopal powers such as the consecration of churches and the ordination of clerics. Because of these modifications, the synodal election of patriarchs became almost tantamount to proposing a candidate for appointment.

²⁴ Pius IX, Ap. Letter *Reversurus*, *Acta Sanctae Sedis* 3 (1887) 390-391; *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, 312-313.

The Apostolic Letter *Reversurus*, promulgated by Pope Pius IX on 12 July 1867, also modified the immemorial tradition of the synodal election of bishops in the Armenian patriarchal Church. According to *Reversurus*, the patriarchal synod draws up a list of three candidates and submits it to the Roman Pontiff for appointment in a vacant diocese. The Pope is free to appoint the new bishop from the submitted list or anyone he wishes if none of the candidates on the list is deemed worthy. The prescription of *Reversurus* on regarding the election of bishops are as follows:

But nothing troubles and disturbs Our mind more than the providential election of bishops, on which the happiness of the people, the order of ecclesiastical discipline, and the eternal salvation of souls chiefly depend. We constantly remember that Our Lord Jesus Christ, who has entrusted to our humility the government and care of the universal Church as it is, will require at our hands the blood of Christ's sheep, who will perish through the bad government of negligent shepherds who are unaware of their office. Therefore, We establish and decree the following regarding the election of the bishops of the Armenian Patriarchate, by virtue of the office of Our apostolic ministry and by the fullness of Our power, according to the tenor of the present (letter). Whenever a diocese of the said Patriarchate becomes vacant, the Patriarch should as soon as possible convene a synod of all the bishops of the same Patriarchate; whereupon the Patriarch and the bishops, having assembled in synod, should after mutual consultation, propose to the contemporary Roman Pontiff three suitable clergymen, that he may choose from among them a more worthy and suitable one to fill the vacant episcopal see. We have no doubt, however, that the same bishops will endeavour to propose worthy and truly suitable men, so that we or our successors will never be forced to appoint another person to the office of the same apostolic ministry, even if he has not been proposed by them,

in order to enhance the episcopal dignity and preside over a vacant Church. If however, owing to urgent necessity, or the length of the journey, not all bishops can come to the synod convoked by the Patriarch as indicated above, at least three bishops who have their own dioceses with jurisdiction, must meet together with the aforesaid Patriarch in the same synod, the absent bishops signifying their ternary proposal in writing. And We desire that all the proceedings of the same synod be transmitted through Our Apostolic Delegate and of this Holy See to the above-mentioned Congregation of Propaganda Fide for the Affairs of the Eastern Churches, so that, after a first careful examination by the same Congregation, they should be submitted to Our judgement and to Our successors.²⁵

In practice the ancient tradition of the free election of bishops in the synod of bishops convoked and presided over by the Patriarch was reduced to the mere proposal of three candidates (*ternus*) for appointment by the Pope. In fact, after the selection of the three candidates, all the acts of the synod, together with their names, had to be forwarded through the Apostolic Delegate to the Congregation for the Propagation of the Faith for the Affairs of the Eastern Churches, which examined the names and submitted them to the Pope for appointment.²⁶ In brief, the same procedure for the appointment of bishops that was prevalent in the Latin Church at that time was also applied to the Armenian Catholic Church. The promulgation of *Reversurus* effectively terminated the administrative autonomy of the Armenian Patriarchate.

The modification in the synodal election of the Patriarch and bishops in the Armenian Church was a first step towards a general change in Eastern discipline. In the apostolic letter

²⁵ Pius IX, Ap. Letter *Reversurus*, *Acta Sanctae Sedis* 3 (1887) 391-392; *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, 314-315,

²⁶ Pius IX, Ap. Letter *Reversurus*, *Acta Sanctae Sedis* 3 (1887) 392; *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, 313.

Reversurus itself the Pope clearly expressed his desire to extend the same procedures to all the Eastern Catholic Churches:

And while we are deciding these things for the election of bishops of the Armenians, we do not forget the other Patriarchates of the Eastern rite, for whom we will also take care to regulate this very important task of electing bishops as soon as possible, as we have already publicly announced to our venerable brothers the Patriarchs of the Maronites and Melkites, and to the other Eastern Patriarchs currently residing in Rome.²⁷

Although Pius IX intended to make *Reversurus* a model for the other Eastern Catholic Churches, this possibility was prevented by the immediate intervention of the Maronite and Melkite Patriarchs who were in Rome at the time. Later, it was only applied to the smaller and weaker Chaldean and Syrian Churches.²⁸

2.4. The Armenian Schism

The apostolic letter *Reversurus* and the curtailment of the autonomy of the Armenian Patriarchate finally triggered a schism in the Armenian Catholic Church. While Patriarch Hassoun was in Rome for the First Vatican Council, four bishops, namely Basil Gasparian, Ignatius Kalybgian, Jacob Bahdian, Placid Casagian and about 50 priests rebelled against the decisions of Propaganda Fide and Pope Pius IX concerning the canonical discipline on the election of the Patriarch and bishops; they were excommunicated from the Catholic Church on 2 November 1870.²⁹ Despite the excommunication and other provisions of

²⁷ Pius IX, Ap. Letter *Reversurus*, *Acta Sanctae Sedis* 3 (1887) 392; *Pii IX Pontificis Maximi Acta, Pars prima*, vol. IV, 313.

²⁸ Cf. C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 233.

²⁹ For details: G. Martina, *Pio IX (1867-1878)*, 78-84; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX (1846-1878)*, Cinisello Balsamo (Milano) 1990, 640-642; C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 266-268.

the Propaganda Fide the schism progressed and on 2 February 1871 the excommunicated rebel bishops elected one of them, Jacob Bahdarian, Armenian bishop of Diarbekir, on the Tigris, as Armenian Patriarch of Cilicia with the name Jacob Peter IX, who in the opinion of the electors obtained "all the rights and privileges" traditionally enjoyed by the Patriarch before the promulgation of the *Reversurus*.³⁰

In the apostolic letter *Ubi primum* of 11 March 1871 Pope Pius IX declared that the four bishops mentioned had already been excommunicated from the Catholic Church and that the election of Jacob Bahdarian was illegitimate, schismatic, and completely null and void.³¹ However, the schism continued to progress and the pseudo-patriarch, with the support of his bishops, elected and consecrated four more bishops.³²

3. Apostolic Constitution *Cum Ecclesiastica* and the Restriction of the Disciplinary Autonomy of the Chaldean Patriarchate

The application of the provisions of the apostolic letter *Reversurus* concerning the election of patriarchs and bishops in the Chaldean Church and the relationship of Patriarch

³⁰ Letter of three rebel bishops and that of the Pseudo-Patriarch Bahtirian to Pope Pius IX concerning the election (dated 13 March 1871): in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenze* 1871, ff. 523-526. Concerning the election see also Mansi 40, coll. 1090-1094.

³¹ Pius IX, Ap. Letter *Ubi prima*, addressed to the legitimate Patriarch Anthony Hassoun (Peter IX), Catholic bishops and faithful: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenze* 1871, ff. 515-518 (published text in R. De Martinis (ed.), *Iuris Pontificii (Ius Pontificium) de Propaganda Fide*, vol. VI-II, Romae 1895, 113-114).

³² Cf. Letter of Anthony Joseph Pluym, Apostolic Delegate of Constantinople to the Prefect of Propaganda Fide on 24 March 1871: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenze* 1871, ff. 518-519. It is not within the scope of this article to treat the Armenian schism further. For more details: G. Martina, *Pio IX (1867-1878)*, 85-96.

Joseph Audo to the Armenian schismatics who militated for the disciplinary autonomy of their Patriarchate were two grounds for conflicts between the Patriarch and Pope Pius IX, who was obviously supported by the Congregation of Propaganda Fide for the Affairs of the Eastern Rite. As the documents show, the Chaldean Patriarch Joseph Audo, a relentless defender of the canonical autonomy of the Eastern Patriarchates, congratulated the pseudo-patriarch and supported the Armenian schismatics also by maintaining communicatio in sacris with them. In addition, two priests of the Chaldean Catholic Diocese of Diarbekir, Anthony Dallal and Luis Sciauriz, supported the schismatics. These actions by the Patriarch and his priests alarmed Propaganda Fide and provoked a strong reaction.³³

As a first step towards extending the apostolic letter *Reversurus* to the Chaldean Patriarchate, Pope Pius IX appointed Gabriel Farso as bishop of Diarbekir and Peter Attar as bishop of Mardin, according to the proposal of Propaganda Fide, by choosing them from a list of six candidates proposed by Patriarch Joseph Audo in accordance with the order of Propaganda Fide. Regarding the extension of the *Reversurus* to the entire Chaldean Patriarchate, which would reserve the appointment of bishops exclusively to the Pope, it had previously been decided to examine Patriarch Audo's reaction.³⁴

Since the Patriarch had apparently peacefully accepted the papal appointment of the two bishops mentioned, the general assembly of 9 August 1869 decided to extend the provisions of the *Reversurus* to the Chaldean Patriarchate. Subsequently Pope Pius IX extended the provisions of *Reversurus* concerning

³³ Cf. See Reports: in in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza armena*, April 1871, ff. 441-446 and *Ponenza caldea*, December 1871, ff. 1037-1045.

³⁴ See the Report, in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea* 1869, 38-45.

the election of the Patriarch and the appointment of bishops to the Chaldean Catholic Church by the apostolic constitution *Cum Ecclesiastica (Disciplina)* on 31 August 1869.³⁵ Since the canonical norms on the election of the Patriarch and bishops in both documents are completely identical they are not reproduced again, to avoid repetition. The modification in Eastern canonical discipline was part of the centralizing policy of Pope Pius IX and Propaganda Fide prevalent at that time and it was carried out before the First Vatican Council. Therefore, the curtailment of the canonical autonomy of the Eastern Patriarchates cannot be considered a result of the Council.

4. The First Vatican Council (1869-1870), Promulgation of the Dogmas of Primacy and Infallibility, the Attitude of Chaldean Patriarch Joseph Audo

Already in 1864 Pope Pius IX asked the cardinals residing in Rome to give him their opinion on the advisability of an ecumenical council.³⁶ The majority were in favour of the

³⁵ Pius IX, Ap. letter *Cum ecclesiastica disciplina*, in R. De Martinis (ed.), *Iuris Pontificii de Propaganda Fide*, vol. VI-II, Romae 1895, 32-35; also in *Pii IX Pontificis Maximi Acta, Pars prima*, vol. V, Romae 1871, 38-47. For the historical and ecclesiastical context of the apostolic letter *Cum ecclesiastica*, see G. Martina, *Pio IX (1867-1878)*, 96-108; J. Habbi, « Les Chaldéens et les Malabares au XIX siècle », in *Oriens Christianus* 64 (1980) 82-107; C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 299-301.

³⁶ For essential information concerning the First Vatican Council: N. P. Tanner, *The Councils of the Church: A Short History*, New York 2001, 87-96; H. Jedin, *Ecumenical Councils of the Catholic Church: An Historical Outline*, New York 1960, 190-226; J. F. Kelly, *The Ecumenical Councils of the Catholic Church: A History*, Minnesota 2009, 149-173; *Dictionnaire de Théologie Catholique*, Tome XV, Paris 1950, 2536-2585; *Lexikon für Theologie und Kirche*, vol. 10, Freiburg 1965, 636-642. For documentation on the First Vatican Council: Mansi, voll. 49-53; E. Cecconi, *Storia del Concilio Ecumenico Vaticano ascritta sui documenti originali*, voll. 2 (4 tomi), Roma 1873-1879.

proposal, and by March 1865 the convocation of the council was all but certain. However, the First Vatican Council was not officially announced until 1867 by Pope Pius IX, summoned on 29 June 1868 with the bull *Aeterni Patris*³⁷ and opened on 8 December 1869 with the first session in St Peter's Basilica.³⁸ At the opening session about 774 bishops were present; they came from all parts of the world and constituted a truly global representation, although number of European bishops was higher. About sixty Eastern Catholic bishops attended, including the patriarchs of the Armenian, Chaldean, Melkite and Syrian Catholic Churches; the Maronite Patriarch, Bulus Massad, was not present, but some bishops represented this Church.³⁹

In the three following sessions only two constitutions were discussed and approved: the *Dogmatic Constitution on the Catholic Faith Dei Filius* (24 April 1870) and the *First Dogmatic Constitution on the Church of Christ Pastor Aeternus* (18 July 1870).⁴⁰ In four chapters the Constitution *Dei Filius* affirmed the existence of a personal, free, and provident God, who is the creator of all things; the necessity of revelation to

³⁷ Pius IX, bull *Aeterni Patris*, in Mansi 49-II (or 50), coll. 1249-1256; also in E. Cecconi, *Storia del Concilio Ecumenico Vaticano ascritta sui documenti originali*, vol. 1, Roma 1873, 383-389.

³⁸ Cf. *Enciclopedia dei Papi*, vol. 3 (Innocenzo VII-Giovanni Paolo II), Roma 2000, 568; For details concerning the historical-political and theological context, preparatory works and convocation of the Council: G. Martina, *Pio IX (1867-1878)*, 119-166; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX*, 478-495; E. Cecconi, *Storia del Concilio Ecumenico Vaticano ascritta sui documenti originali*, vol. 1, 3-95 and documents I-XXXV, in pages 321-382.

³⁹ The lists of bishops in Mansi 50, coll. 22-36; cf. G. Martina, *Pio IX (1867-1878)*, 166; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX (1846-1878)*, 497; C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 235; N. P. Tanner, *The Councils of the Church: A Short History*, 95-96.

⁴⁰ *Decrees of the Ecumenical Councils*, vol. 2, N. P. Tanner (ed.), London 1990, 804-816; *Conciliorum oecumenicorum decreta*, a cura di G. Alberigo e altri (edizione bilingue), Bologna 2002, 804-816.

know matters concerning God and supernatural truths without error; the nature of faith as a supernatural virtue; the agreement between reason and faith.⁴¹

The constitution *Pastor Aeternus* defined and proclaimed the universal primacy of jurisdiction and the infallibility of the Roman Pontiff, both issues of great importance not only for the Catholic Church but also for Churches and communities that are not in full communion with the Pope, the Bishop of Rome regarding ecumenism. The bishops were divided into two groups precisely on the question of Pope's personal infallibility. Hence, the dogma of the "personal and separate" infallibility of the Pope (independent of the Church and the universal episcopate), was hotly debated and discussed at the Council by the majority, who were supported by Pope Pius IX, and even wanted to extend it to all of the Pope's teachings, and the minority, who preferred more of an "ecclesial infallibility" within the Church, which was only restricted to some official definitions *ex cathedra*.⁴²

The minority of about a quarter of the bishops, made up of the German, Austrian and Hungarian bishops, almost half of the Americans, a third of the French, most of the Chaldeans and Melkites and some Armenians, were opposed to the definition of the pope's "personal and separate" infallibility as divinely revealed truth for historical, theological, political and pastoral reasons; in their opinion, it deviated from the ecclesiastical structure of the early Christian Church.⁴³

⁴¹ *Decrees of the Ecumenical Councils*, vol. 2, 804-811; *Conciliorum oecumenicorum decreta*, 804-811.

⁴² For details concerning discussions and different positions concerning infallibility in the Council: G. Martina, *Pio IX (1867-1878)*, 166-205; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX (1846-1878)*, 499-510; 537-548; K. Schatz, *Papal Primacy from Its Origins to the Present*, Minnesota 1996, 156-161.

⁴³ Cf. *Enciclopedia dei Papi*, vol. 3, 568; G. Martina, *Pio IX (1867-1878)*, 190-211; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX (1846-1878)*, 510-511.

As we have already seen, Pope Pius IX and Propaganda Fide had already modified the Eastern canonical discipline before the First Vatican Council and curtailed the autonomy of the Eastern Patriarchates with the promulgation of *Reversurus* and *Cum Ecclesiastica*. The tensions between the Holy See and the Eastern Catholic Churches, which had already increased after the promulgation of the aforementioned documents and the subsequent Armenian Schism of Constantinople, reached their climax at the Council. As far as the attitude of the Eastern bishops and in particular the Chaldean Patriarch Joseph Audo is concerned, Robert J. Taft rightly states:

Appalled at the Ultramontane council's lack of understanding of, or respect for the distinctiveness of the Catholic East, its age-old traditions and the peculiar dignity of its supreme hierarchs, Eastern Catholic bishops at Vatican I rose up in protest. On 25 January 1870, Chaldean Patriarch Joseph VI Audo, who was to play a significant role among the anti-infallibilists, took the floor in an historic speech insisting that the particular discipline of the Christian East be respected. His long Patriarchate was a constant struggle against the desire for hegemony of the authoritarian and rigid Pope Pius IX.⁴⁴

Patriarch Audo was forbidden to raise the question of the election of bishops in the Council⁴⁵ and hence he spoke generally about canonical discipline. Against the attempt to unify the disciplines of Eastern and Western Churches, Audo emphasised the usefulness and necessity of the diversity of ecclesiastical disciplines, while at the same time maintaining unity in the faith. His discourse in the Council on 25 January 1870 was based on the entire schema on the nature of the Church, *de Ecclesia*⁴⁶

⁴⁴ R. J. Taft, "Between East and West: The Eastern Catholic ('Uniate') Churches", 423.

⁴⁵ Cf. J. Habbi, « Les Chaldéens et les Malabares au XIX siècle », in *Oriens Christianus* 64 (1980) 102.

⁴⁶ The discourse of Patriarch Audo can be found in Mansi 50-II, coll. 513-516.

An essential part of the discourse of Chaldean Patriarch Joseph Auto is reproduced below:

When the first drafts of the discipline were read to me, as far as I could decipher them with my modest abilities, I realised that the intention of their author was to compose and prescribe one and the same discipline for the Western and the Eastern Churches, that is, to enact one and the same ecclesiastical law for both Churches. Perhaps the most illustrious counsellors thought there would be little or no difference between the laws, customs and rites of the two Churches. Your kindness, however, may permit me to mention a few things and humbly submit them to you as an obligation of my conscience for your irrevocable judgement.⁴⁷

The Patriarch then goes on to explain the main differences between the Latin Church and the Eastern Churches, especially those of the Chaldean Church in terms of rights, privileges, customs, worship, discipline of the clergy and the faithful, who were faced with difficult and disastrous circumstances in the Ottoman Empire. Then the Patriarch states:

With all these things so far advanced, you judge, most reverend fathers, if it is ever possible that so desolate a nation can be compared with the most flourishing Churches of our western brethren, and governed by one and the same rule; nay, not even the western Churches themselves, as it seems to me, can be sensibly governed all and everywhere in the same manner and by similar rules: how much greater then are our Eastern Churches, which differ in all things and on account of everything from the western? As for the dogmas of faith, then, of whatever kind and however many they may be, which the holy Vatican Council deems appropriate, we need say nothing more to our Eastern Christians to make them accept them with a willing heart than that the holy ecumenical synod has declared them to be dogmas of faith to be believed in. But what we assert of dogmas we cannot say of the canons of discipline. For all

⁴⁷ Mansi 50-II, col. 514.

know very well that the Eastern Christians cling so tenaciously to the ancient discipline in regard to the rites, customs, and privileges of their Church, that they scarcely allow anything of the least importance to be changed without great tumult and serious scandals, which, when they occur, are not suppressed without the loss of souls. I also admit that the discipline in the Churches of our Patriarchate needs some reform, but not to the same extent as in the other Churches. Nevertheless, considering the circumstances which should lead to edification and not to destruction, it follows: 1° that not all the canons of discipline can be applied indiscriminately to individual Churches, because the rights, rites, privileges and customs of the Church differ from one another; this discrepancy has in fact always been approved and confirmed by the Church [...].⁴⁸

The Chaldean Patriarch did not comment directly on the dogma of infallibility, but he was aware that the curtailment of the traditional autonomy of the Eastern Churches and the modification in their discipline was the result of the consolidation of Roman primacy and the concentration of power in the Roman Curia, which would culminate with the promulgation of the dogma of infallibility. Convinced that the definition of infallibility would lead to the suppression of patriarchal power, Audo joined those who refused to participate in the general assembly to promulgate the dogma.⁴⁹

On 19 May 1870 also the Greek Melkite Patriarch Gregory II Youssef (or Yusif, 1864-1897) recognised the primacy, but declared the definition of infallibility to be inappropriate, which in his opinion would have undermined the traditional rights of the Eastern patriarchs, which had been solemnly recognized by the Council of Florence and would have represented an obstacle to the union of the Churches.⁵⁰ In fact, the Melkite Patriarch

⁴⁸ Mansi 50-II, col. 515.

⁴⁹ Cf. J. Habbi, « Les Chaldéens et les Malabares au XIX siècle », 102.

⁵⁰ The discourse of Patriarch Gregory II Youssef, in Mansi 52, coll. 133-137.

was most assertive and, together with other Melkite bishops, formed a substantial group within the minority party of those opposed to the proclamation of papal infallibility.⁵¹ In various discourses Patriarch Youssef emphasised the need to preserve the ancient prerogatives of the East, and in the general assembly on 13 July 1870 he voted *non placet*, for the draft constitution *Pastor Aeternus*. The Chaldean Patriarch Audou also voted *non placet* on the same day.⁵²

At the preliminary vote on 13 July 1870, 451 bishops voted yes (*placet*), 88 voted no (*non placet*, including the Chaldean and Melkite patriarchs, as mentioned above) and 62 had reservations (*placet iuxta modum*). Some opposing bishops changed their minds after much discussion and clarification, but about 60 bishops who opposed the definition of infallibility left Rome on 17 July 1870 (before the final vote), citing pastoral reasons for not wanting to vote publicly against the Pope's will. After their departure, the constitution *Pastor Aeternus* was finally approved on 18 July 1870 with the positive votes of the vast majority of the Fathers (535 in favour and only two against, but the latter also immediately accepted the dogma).⁵³ Of the Eastern Catholics, the Armenian Patriarch Anthony Hassoun and eleven Armenian bishops signed in favour of the definition, as did seven Chaldean bishops and two bishops from the Syrian delegation. As already indicated, the Melkite Patriarch Gregory II Youssef and eight of the Melkite bishops as well as the Chaldean Patriarch Joseph Audou left Rome together with the anti-infallibilist minority

⁵¹ Cf. E. G. Farrugia (ed.), *Encyclopedic Dictionary of the Christian East* (second edition), Rome 2015, 1896-1897.

⁵² Cf. C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 236.

⁵³ *Enciclopedia dei Papi*, vol. 3, 569; N. P. Tanner, *The Councils of the Church: A Short History*, 95; G. Martina, *Pio IX (1867-1878)*, 214-215; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX*, 548-549; C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 236.

before the constitution *Pastor Aeternus* was finally adopted and promulgated.⁵⁴

Shortly after the promulgation of the constitution, the Franco-Prussian War (1870-1871) broke out on 19 July 1870, causing most of the remaining bishops of these countries to leave the Council. Discussion of the rest of the document on the nature of the Church was to continue when the bishops returned after a summer break. However, with the rapid advance of the Germans and the capture of Emperor Napoleon III, the French troops protecting papal rule in Rome withdrew from the city. On 20 October 1870, one month after the newly United Kingdom of Italy had seized Rome, and Pope Pius IX, who considered himself a prisoner in the Vatican at the time, issued the bull *Postquam Dei munere*,⁵⁵ which postponed the Council indefinitely. In brief, the outbreak of the Franco-Prussian War and the occupation of Rome by Italian troops led to an early interruption of the Council. It was never resumed and never officially closed.⁵⁶

4.1. Promulgation of the Florentine Definition of the Universal Primacy of the Pope as a Dogma of the Catholic Church

The universal primacy of the Pope with immediate and ordinary jurisdiction in the entire Church was already defined in the council of Florence in 1439, in which the Byzantine Greek Church was also represented. This council is entitled Basel-Ferrara-Florence-Rome because it was opened in the Swiss city

⁵⁴ Cf. C. A. Frazee, *Catholics and Sultans: the Church and the Ottoman Empire*, 236; J. Hajjar, *Les Chrétiens uniates du Proche-Orient*, Paris 1962, 301-306.

⁵⁵ The bull *Postquam Dei munere*, in *Pii IX Pontificis Maximi Acta, Pars prima*, vol. V, 253-256; Mansi 53, coll. 155-158.

⁵⁶ N. P. Tanner, *The Councils of the Church: A Short History*, 95; G. Martina, *Pio IX (1867-1878)*, 216-217; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX*, 549-552; *Dictionnaire de Théologie Catholique*, Tome XV, 2577; *Lexikon für Theologie und Kirche*, vol. 10, 641-642.

of Basel on 25 July 1431, by the papal legate appointed by Pope Martin V shortly before his death on 20 February 1431, and after being moved to the Italian cities of Ferrara and Florence by his successor, Pope Eugenius IV (1431-1447), it was concluded in Rome on 7 August 1445. The Council of Basel was marked by bitter conflicts between most of the participants and Pope Eugenius, who moved the Council to Ferrara (1438) and then to Florence (1439) against the former's will, also to facilitate the participation of the Eastern Churches.⁵⁷

The Byzantine Greek bishops and theologians attended the Council of Ferrara since 9 April 1438. The Byzantine delegation was headed by Emperor John VIII Palaeologus and Patriarch John of Constantinople, although the Patriarch died before the signing of union. Emperor John VIII was eager for a settlement with the Western Church, in order to obtain military aid against the Turkish invaders, while Pope Eugenius looked for the support of the Eastern Churches against the "rebellious Council of Basel" which continued even after the official transfer (last session in 1449).⁵⁸ Because of the outbreak of plague, the Council was transferred to Florence on 10 January 1439, where the decree of union with the Greek Church, known as *Letentur caeli* was approved in the session of 6 July 1439. Pope Eugenius IV promulgated the decree with "the agreement of our most dear son John Palaeologus, illustrious emperor of the Romans, of the deputies of our venerable brothers the patriarchs and of

⁵⁷ *Decrees of the Ecumenical Councils*, vol. I, N. P. Tanner (ed.), London 1990, 453; Id, *The Councils of the Church: A Short History*, 71; J. Gill, *The Council of Florence*, Cambridge 1959, 46-108; *Dictionnaire de Théologie Catholique*, Tome II, Paris 1905, 113-129; Tome VI, Paris 1920, 24-50. For documentation: Mansi, volumes 29-32; G. Hofmann (ed.), *Concilium Florentinum documenta et scriptores* (Pontificium Institutum Orientalium Studiorum), Romae 1940.

⁵⁸ N. P. Tanner, *The Councils of the Church: A Short History*, 72; J. Gill, *The Council of Florence*, 109-115.

other representatives of the eastern Church".⁵⁹ Among other things, agreement was also reached on the primacy of the Roman Pontiff, as the decree attests:

We also define that the holy Apostolic See and the Roman Pontiff hold the primacy over the whole world and the Roman Pontiff is the successor of blessed Peter, the prince of the apostles, and that he is the true vicar of Christ, the head of the whole Church and the father and teacher of all Christians, and to him, in blessed Peter has been given by our Lord Jesus Christ the full power of tending, ruling and governing the whole Church, as is contained also in the acts of the ecumenical councils and in the sacred canons.⁶⁰

The doctrine of Pope's universal primacy of full power, as taught in the West during the second millennium is inserted in the decree, but with the phrase "as is contained also in the acts of ecumenical councils and in the sacred canons", perhaps to satisfy the Eastern Christians. This statement seems to indicate that the primacy would be exercised in accordance with the teaching of the ecumenical councils and the sacred canons of the first millennium, which guaranteed the disciplinary and canonical autonomy of the Eastern Churches and the rights and privileges of patriarchs. Like the agreements on reunion with other Eastern Churches reached at the Council of Florence, the decree on reunion with the Greek Byzantine Church also failed, but the agreement on dogmatic and disciplinary issues provided a solid foundation for further discussion and future reunions.⁶¹

Since the primacy of the Roman Pontiff had already been defined in the Council of Florence in 1439, the First Vatican

⁵⁹ Eugenius IV, decree or bull *Letentur Caeli*, in *Decrees of the Ecumenical Councils*, vol. I, 523-528; *Conciliorum oecumenicorum decreta*, 523-528.

⁶⁰ *Decrees of the Ecumenical Councils*, vol. I, 528; *Conciliorum oecumenicorum decreta*, 528.

⁶¹ *Decrees of the Ecumenical Councils*, vol. I, 453; N. P. Tanner, *The Councils of the Church: A Short History*, 72; J. Gill, *The Council of Florence*, 349-387.

Council only proclaimed it as a dogma of the Catholic Church, in which all Christian faithful should believe. In the dogmatic constitution on the Church of Christ (*Pastor Aeternus*) the First Vatican Council solemnly declares:

And so, supported by the clear witness of holy scripture, and adhering to the manifest and explicit decrees both of our predecessors the Roman Pontiffs and of general councils, we promulgate anew the definition of the ecumenical council of Florence⁶² which must be believed by all faithful Christians, namely, that the apostolic see and the Roman Pontiff hold a worldwide primacy, and that the Roman Pontiff is the successor of blessed Peter, the prince of the apostles, true vicar of Christ, head of the whole Church and father and teacher of all Christian people. To him, in blessed Peter, full power has been given by our Lord Jesus Christ to tend, rule and govern the universal Church, as is also contained in the acts of the ecumenical councils and in the sacred canons.

Wherefore we teach and declare that, by divine ordinance, the Roman Church possesses a preeminence of ordinary power over every other Church, and that this jurisdictional power of the Roman Pontiff is both episcopal and immediate. Both clergy and faithful, of whatever rite and dignity, both singly and collectively, are bound to submit to this power by the duty of hierarchical subordination and true obedience, and this not only in matters concerning faith and morals, but also in those which regard the discipline and government of the Church throughout the world. In this way, by unity with the Roman Pontiff in communion and in possession of the same faith, the Church of Christ becomes one flock under one supreme shepherd. This is the teaching of the Catholic truth, and no one can depart from it without endangering his faith and salvation.⁶³

⁶² Here reference is given to the definition of the Council of Florence.

⁶³ Vatican I, Session 4 of 18 July 1870, constitution *Pastor Aeternus*, chapter 3, in *Decrees of the Ecumenical Councils*, vol. 2, 813-814; *Conciliorum oecumenicorum decreta*, 813-814. For interpretation and analysis: U. Betti, *La Costituzione dogmatica Pastor Aeternus del Concilio Vaticano I*,

The Florentine definition of the universal primacy of the Roman Pontiff was formulated in a manner that was also fairly acceptable to the Eastern Churches. Although the First Vatican Council explicitly affirms that "we promulgate anew the definition of the ecumenical council of Florence", only the first paragraph corresponds to the said definition. The second paragraph is a substantial addition, explicitly stating that all are subject to the supreme power of papal jurisdiction "not only in matters concerning faith and morals, but also in those which regard the discipline and government of the Church throughout the world". This contrasted with the practice of the first millennium and the position of the Eastern Churches, especially that of the Chaldean and Melkite patriarchs, who recognized papal supremacy over faith and morals, but upheld the disciplinary autonomy of the Eastern Churches. In fact, the Eastern discipline had already been modified and canonical autonomy curtailed even before the Council by Pius IX through the promulgation of *Reversurus* and *Cum Ecclesiastica*.

The Florentine definition already established the divine origin of such supreme power of the Roman Pontiff: "in blessed Peter, full power has been given by our Lord Jesus Christ to tend, rule and govern the universal Church". In the second added paragraph, the Vatican I reaffirmed the divine origin of universal papal primacy by adding the phrase: "by divine ordinance, the Roman Church possesses a pre-eminence of ordinary power over every other Church, and that this jurisdictional power of the Roman Pontiff is both episcopal and immediate". This also means that according to the disposition of God the jurisdictional power of the Roman Pontiff is ordinary, episcopal and immediate. It is obvious that the primacy of the Pope, the successor of St Peter, is divine in its origin and essence, as

Roma 1961; W. Kasper, "Primat und Episkopat nach dem Vatikanum I", in *Theologische Quartalschrift* 142 (1962) 47-85.

Sacred Scripture and the testimony of the Fathers of the Church confirm. However, the universal, supreme, full and absolute power, as interpreted by the Ultramontanists, and the manner of its exercise in the second millennium seem to be of ecclesiastical and human origin, conditioned by the political, socio-cultural, ecclesial and theological situation of the time.

After the proclamation of the dogma, a strongly worded excommunication was also promulgated, which stipulates:

[...] if anyone says that the Roman Pontiff has merely an office of supervision and guidance, and not the full and supreme power of jurisdiction over the whole Church, and this not only in matters of faith and morals, but also in those which concern the discipline and government of the Church dispersed throughout the whole world; or that he has only the principal part, but not the absolute fullness, of this supreme power; or that this power of his is not ordinary and immediate both over all and each of the Churches and over all and each of the pastors and faithful: let him be anathema.⁶⁴

It is interesting to note that this anathema is also applicable to anyone who denies the supreme power of the Pope over "the discipline and government of the Church". From the dogmatic statement and the anathema, it is evident that the Roman Pontiff's jurisdictional power was episcopal, ordinary, immediate, supreme, absolutely full and universal over all Churches, bishops, pastors and other faithful, which would be exercised without any distinction of rites or dignities, that is equally in the Western Church and the Eastern Catholic Churches.

⁶⁴ Vatican I, Session 4 of 18 July 1870, constitution *Pastor Aeternus*, chapter 3, in *Decrees of the Ecumenical Councils*, vol. 2, 814-815; *Conciliorum oecumenicorum decreta*, 814-815.

4.2. Definition of the Infallibility of Pope and Its Promulgation as a Dogma

The doctrine of the primacy of Peter, attested to in the New Testament, handed down by the patristic tradition and recognised by the ecumenical councils of the first millennium, was already defined in the Council of Florence. Vatican Council I definitively formulated it as a dogma of the Catholic Church, and added some qualifications that precisely define the nature of papal power as ordinary, episcopal and immediate. The real novelty of the First Vatican Council was therefore the definition of the personal infallibility of the Pope. The definition of the infallibility of the Pope as contained in the dogmatic constitution on the Church of Christ (*Pastor Aeternus*) reads as follows:

Therefore, faithfully adhering to the tradition received from the beginning of the Christian faith, to the glory of God our saviour, for the exaltation of the Catholic religion and for the salvation of the Christian people, with the approval of the sacred council, we teach and define as a divinely revealed dogma that when the Roman Pontiff speaks *ex cathedra*, that is, when, in the exercise of his office as shepherd and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine concerning faith or morals to be held by the whole Church, he possesses, by the divine assistance, promised to him in blessed Peter, that infallibility which the divine Redeemer willed his Church to enjoy in defining doctrine concerning faith or morals. Therefore, such definitions of the Roman Pontiff are of themselves, and not by the consent of the Church, irremediable. So then, should anyone, which God forbid, have the temerity to reject this definition of ours: let him be anathema.⁶⁵

⁶⁵ Vatican I, Session 4 of 18 July 1870, constitution *Pastor Aeternus*, chapter 4, in *Decrees of the Ecumenical Councils*, vol. 2, 816; *Conciliorum oecumenicorum decreta*, 816.

The Council established the divine origin of the Pope's infallibility and emphasised its personal character. The phrase, "*eiusmodi Romani Pontificis definitiones ex sese, non autem ex consensu Ecclesiae irreformabiles esse*" ("such definitions of the Roman Pontiff are of themselves, and not by the consent of the Church, irremediable"), was the most controversial point, as the majority and Pope Pius IX wanted to emphasise Pope's personal and absolute infallibility, independent of the Church and the universal episcopate, while the minority would have preferred to locate the Pope's infallibility within the Church and in consultation with the bishops of the universal Catholic Church. As we have already seen, although attempt was made to reach a consensus, this was not completely successful, and the dogma was adopted with the favourable votes of the vast majority of the Fathers.⁶⁶

In fact, the mentioned controversial statement, "such definitions of the Roman Pontiff are of themselves, and not by the consent of the Church, irremediable", is directed against the fourth article of Gallicanism, which claimed that papal magisterial decisions are only irrevocable if they are supported by the consensus of the Church.⁶⁷ Formally, the wording in

⁶⁶ Cf. G. Martina, *Pio IX (1867-1878)*, 190-205; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX*, 548-549.

⁶⁷ Gallicanism refers to a set of religious and political beliefs that were prominent in France during certain periods of its history, particularly from the 16th to the 18th centuries. Gallicanism advocated for the autonomy of the French Church from the authority of the Pope and the Roman Curia. It also sought to regulate the relationship between the Catholic Church and the State, advocating its subordination to the royal power. Cf. M. Dubruel, "Gallicanisme", in *Dictionnaire de Théologie Catholique*, Tome VI, Paris 1920, 1096-1137. The fourth article of the declaration of the French Church on 19 March 1682 reads: "Although the Pope has the chief part in questions of faith, and his decrees apply to all the Churches, and to each Church in particular, yet his judgment is not irreformable, at least pending the consent of the Church". As reproduced in K. Schatz, *Papal Primacy from Its Origins*

question only states that when papal definitions are made, this fact alone is sufficient to make the doctrine definitive and irrevocable; it does not require additional ratification by the consensus of the Church. It in no way implies that the Pope is not dependent on the witness or faith of the Church. And it is not the case that the Pope is said to be infallible "in and of himself", because *ex sese* means "of themselves" and refers to the definitions, not to the Pope.⁶⁸ Since an anathema was also promulgated, it was extremely difficult for any Catholic not to adhere to the doctrine of infallibility for long.

4.3. Later Adherence of Anti-infallibilists

All the Latin bishops who had left Rome before the final vote on the constitution *Pastor Aeternus* were gradually persuaded to accede to the dogma of infallibility.⁶⁹ The Roman Curia constantly endeavoured to obtain the signatures of Patriarch Gregory II Youssef and the rest of the Melkite delegation who had voted *non placet* at the general assembly and had left Rome before the final vote and the definitive approval of the dogmatic constitution *Pastor Aeternus* on papal primacy and infallibility. However, Gregory II Youssef and the Melkite bishops later assented to it only *iuxta modum*, and added the restrictive clause: all rights, privileges and prerogatives of the patriarchs of the Eastern Churches being respected.⁷⁰

to the Present, 189. Cf. also, E. G. Farrugia (ed.), *Encyclopedic Dictionary of the Christian East*, 1898.

⁶⁸ Cf. K. Schatz, *Papal Primacy from Its Origins to the Present*, 164; E. G. Farrugia (ed.), *Encyclopedic Dictionary of the Christian East*, 1898.

⁶⁹ For details and documentation: G. Martina, *Pio IX (1867-1878)*, 217-228; *Storia della Chiesa XXI/2: Il Pontificato di Pio IX*, 553-557; *Dictionnaire de Théologie Catholique*, Tome XV, 2578-2580.

⁷⁰ R. Roberson, *The Eastern Christian Churches: A Brief Survey*, 58; R. J. Taft, "Between East and West: The Eastern Catholic ('Uniate') Churches", 420.

5. The Dogma of Infallibility and the Chaldean Patriarch Joseph Audo: His Struggle for the Disciplinary Autonomy of the Patriarchate

As previously noted, the Chaldean Patriarch Joseph Audo opposed the definition of infallibility because he believed it was detrimental to the rights, privileges and prerogatives of the patriarchs and Eastern Churches. The minority of anti-infallibilist Latin bishops and Melkite Patriarch Gregory II Youssef were gradually forced to sign declarations accepting and professing the dogmatic definitions of the First Vatican Council on the universal primacy of jurisdiction and the personal infallibility of the Pope. As a part of this strategy the general assembly of Propaganda Fide for the Affairs of the Eastern Rite decided on 9 December 1871 to send Zechariah Fanciulli, titular bishop of Morenea to the patriarchal residence in Mosul to persuade the Chaldean Patriarch and some of the Chaldean bishops, who had remained recalcitrant until then, to make declarations of adherence to the dogmatic definitions of the First Vatican Council. Furthermore, Fanciulli was also tasked with resolving other critical issues regarding the papal appointment of bishops in the Chaldean Church.⁷¹

In fact, Fanciulli's patient efforts were successful, and the Chaldean Patriarch Audo finally signed a declaration on 29 July 1872, in which he accepted the definitions of the First Vatican Council, but he added a restrictive phrase:

[...] I adhere to the decrees and constitutions of the Holy Vatican Council and especially to the dogmatic definition of the infallibility of the Roman Pontiff in matters of faith and morals, when he, as the Pope and Head of the Catholic Church, teaches the universal Church, —a definition issued in the Fourth Session of the Vatican Council on 18 July 1870. I do this,

⁷¹ Resolutions of the general assembly: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, December 1871, f. 1045.

however, with the reservation that all the rights, distinctions, privileges, favours, customs and traditions enjoyed by the ancient Patriarchs of the East, both in general and in particular are maintained without any change or difference.⁷²

However, such a formulation was unacceptable to Propaganda Fide and Pope Pius IX, who sought the complete supremacy of the Pope and the Holy See over the Eastern Patriarchal Churches without any restriction or limitation, which until then had enjoyed considerable disciplinary autonomy. Moreover, the disputes concerning the appointment of bishops also continued.

5.1. Consecration of New Bishops and Expedition of John Elias Mellus to Malabar

Contrary to the prescription of the apostolic constitution *Cum Ecclesiastica*, which reserved the appointment of bishops to the Pope, on 24 May 1874 Patriarch Audo consecrated two bishops: diocesan priest Elijah (episcopal name Peter) Abolionan (Abbojonan) as bishop of Gezira and monk Kas Matthew (episcopal name Paul) Emnina as bishop of Amadia, assisted by Bishop John Elias Mellus and Eliseus, abbot general of St Hormizd Monastery. The Patriarch also decided, contrary to all the instructions of Pope Pius IX and Propaganda Fide, to send John Elias Mellus, until then bishop of Akra, to Malabar to take care of the Eastern Christians in the vicariate apostolic of Verapoly, which at that time was headed by the Vicar Apostolic Leonard Mellano of St Luis OCD.⁷³

Despite all attempts by Pope Pius IX and the Propaganda Fide to prevent the mission, Mellus and his companion Father

⁷² Letter of the Patriarch: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, September 1872, ff. 672-673.

⁷³ Details and documentation: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1874, ff. 725-810.

Augustine set off for Malabar on 21 July 1874. When Pope Pius IX learned of this, he immediately sent the apostolic letter *Speculatores super*, dated 1 August 1874, addressed to the Vicar Apostolic Leonard Mellano, the ecclesiastical superiors, the clergy and the people.⁷⁴ In this document the Pope stated:

All and every one of the Christians of Malabar should know that Bishop John Elias (Mellus) and his sycophants are coming to those regions against our will and despite our express prohibition, and that we have therefore already suspended them from order and jurisdiction.⁷⁵

In the same apostolic letter, the vicar apostolic was granted the faculty to excommunicate Mellus or any other Chaldean bishop who might come to India, should they refuse to obey and return to Chaldea after due warnings.⁷⁶

On 17 August 1874, the general assembly of the Congregation of Propaganda Fide for the Affairs of the Eastern Rite again discussed the problems connected with the 'illegitimate consecration of bishops by the Chaldean Patriarch Msgr. Audo and the expedition of a bishop to Malabar ordered by him'. It was decided that the Prefect of the Congregation would send letters to the Patriarch and to the unlawfully consecrated bishops, warning them against actions that violated the prescriptions of the Apostolic See. Regarding the Church of Malabar, the assembly decided to obtain precise information on the ecclesiastical situation and to examine in detail the question of Chaldean jurisdiction in Malabar.⁷⁷

⁷⁴ Pius IX, apostolic letter *Speculatores super*, in R. De Martinis (ed.), *Iuris Pontificii de Propaganda Fide*, vol. VI-II, 243-247.

⁷⁵ *Ibidem*, 246.

⁷⁶ *Ibidem*, 246.

⁷⁷ Resolutions of the general assembly: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1874, ff. 753-754.

In accordance with the aforementioned decision, the Prefect of the Congregation, Cardinal Franchi, wrote to Patriarch Audo on 27 August 1874 and declared:

The Holy Father has equally reproved and condemned the illegitimate episcopal consecration, which you conferred on two priests Elijah and Matthew, and has declared null and void their election which you claimed to have made; he has declared them deprived, and in their present state, incapable of exercising any jurisdiction, and has rigorously forbidden them to exercise any function of episcopal order under penalty of further censures imposed by the sacred canons. His Holiness, wishing to make a final act of condescension to your Lordship, confines himself for the present to setting you a period of fifteen days from the receipt of this letter, to respond to the said facts, to effectively revoke the expedition you ordered to Malabar, to recall the said priests Elijah and Matthew from the dioceses to which you, purported to send them, and to recognise their election as null and void, and their consecration as illegitimate. If this period elapses in vain, the Holy Father will be compelled, albeit with regret, to proceed even against Your Lordship with all the rigour of the sacred canons.⁷⁸

On the same day, Cardinal Franchi conveyed the Pope's orders to the unlawfully consecrated bishops Elijah and Matthew: "Therefore, His Holiness, having carefully examined everything and having heard the opinion of all the Cardinals who form this Sacred Congregation, has, with his supreme authority, rejected and condemned as unlawful and sacrilegious the episcopal consecration which you have received. He has declared the mission entrusted to you by the Patriarch to govern a diocese null and void, so that your Lordship has no jurisdiction and can have none. If by chance you have already travelled

⁷⁸ Letter of Cardinal Franchi to Patriarch Audo: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1875, ff. 348-353.

there, he orders you to leave immediately and by virtue of holy obedience, strictly forbids you also, to perform any episcopal acts and to use the title and episcopal insignia under penalty of irregularity".⁷⁹

John Elias Mellus and his companions reached Trichur (Kerala) on 2 October 1874. In accordance with the papal order, the Vicar Apostolic Leonard Mellano excommunicated him on 25 October 1874, but he remained in Malabar and continued his schismatic work.⁸⁰

Patriarch Joseph Audo replied to the Prefect of Propaganda Fide on 28 August 1874, recognising the primacy of the Pope in matters of faith and morals and affirming his obedience to the Sovereign Pontiff, but justifying the consecration of two priests as bishops based on the ancient canonical tradition of the Eastern Churches in general and that of the Chaldean Catholic Church in particular. He highlighted the practical impossibility of accepting the provisions of the apostolic constitution *Cum Ecclesiastica* on the appointment of bishops in the specific context of the Ottoman Empire. He also defended the right to send Chaldean bishops to Malabar in India, since the Chaldean patriarchs had exercised jurisdiction in Malabar from time immemorial, a practice confirmed by various popes since the reunification of Patriarch John Simon Sulaqa in 1553.⁸¹

⁷⁹ Letter of Cardinal Franchi to the unlawfully consecrated bishops: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1875, ff. 353-354.

⁸⁰ Cf. The Report of Cardinal Monaco La-Valletta: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1875, ff. 302-303.

⁸¹ Letter of Patriarch Joseph Audo: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1875, ff. 358-361; for another letter of the Patriarch dated 8 September 1874, especially to justify the mission of Mellus in Malabar, see ff. 366-370.

Matthew, one of the illegitimately consecrated bishops, did not reply to the Prefect, but Elijah Abolonian responded on 15 February 1875, confessing that he knew nothing about the apostolic constitution *Cum Ecclesiastica* and, despite his reluctance, had accepted episcopal consecration only for the good of souls. He also emphasised the painful situation of the faithful in his diocese of Gezira, who lived among Kurds and had great difficulty leaving the diocese. However, he promised complete submission and obedience.⁸²

The general assembly of Propaganda Fide for the Affairs of the Eastern Rite, held on 21 August 1875, considered the responses of the Patriarch and other issues troubling the Chaldean Patriarchate, and unanimously passed 13 resolutions. Pope Pius IX approved the assembly's resolutions on 24 August 1875, with some amendments. The key decisions (I, II, and XII) of the general assembly are summarised below:

I. "[...] Let His Holiness be implored that, if it pleases him, all that has been prescribed by the Apostolic See be made public by a consistorial address, both regarding the election of Chaldean bishops and the reservation of jurisdiction over the Syrians of Malabar, and what was done with reckless audacity by the Chaldean Patriarch in defiance of these prescriptions and directly against the orders of the Apostolic See, especially for the utter destruction of the souls in Malabar [...]. The Patriarch is to be expressly threatened with endless censures, namely suspension and excommunication, and finally deposition, if he persists obstinately in the crimes he has committed; he is to be solemnly warned once more so that he may come to his senses, without any time limit being fixed."

⁸² Letter of Elijah Abolonian: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1875, ff. 390-394.

II. "Priest Elijah is to be warned again by a formal decree of the Sacred Congregation; and by an equally formal decree Monk Matthew is to be subjected to excommunication *latae sententiae*, from which he can only be absolved by the Roman Pontiff, unless he is in danger of death."

XII. Regarding Malabar, the assembly was of the opinion that sufficient provision had already been made with the apostolic letter *Speculatores super* of 11 August 1874. It was therefore sufficient to carry out what the general assembly had decided on 17 August 1874, namely to obtain accurate information about the problems. The assembly added: "and in the meantime, a letter is to be written to the Vicar Apostolic of Verapoly, that he may select a priest of the Suriani rite as vicar for the affairs of the faithful of that rite; and that he may never cease, both personally and through ecclesiastical men, to warn the faithful of that rite, lest they expose themselves to excommunication by adhering to Babylonian heresies, and that he may leave no stone unturned to prevent the faithful from schism".⁸³

During the audience on 24 August 1875 Pope Pius IX decided to send a letter to the Chaldean Patriarch Audo, instead of delivering a consistorial public allocution, as proposed by the general assembly. Thus, on 15 September 1875 the apostolic letter *Responsum a te* was sent to the Patriarch,⁸⁴ which enshrined all the points indicated above. After describing all anticanonical acts and "crimes" perpetrated by the Patriarch, the Pope ordered:

⁸³ The resolutions of the general assembly: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1875, ff. 343-346.

⁸⁴ Apostolic letter *Responsum a te*: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea-malabarese*, February 1876, ff. 193-201 (published text in R. De Martinis (ed.), *Iuris Pontificii (Ius Pontificium) de Propaganda Fide*, vol. VI-II, 276-283).

[...] Therefore, We strictly command you, Venerable Brother, by Our apostolic authority, in virtue of holy obedience and under the command of divine judgement, to recall Bishop Elias Mellus and any other presbyters, monks or perhaps even bishops of your rite from Malabar as soon as possible; you should leave that region, over which We have already declared and declare again that you have no power, to be governed in peace and Catholic tranquillity by its legitimate prelate.

We further command you to recall the presbyters Elijah, Matthew, and others, whom you have recently consecrated bishops contrary to Our constitution from the dioceses over which you have hastily, sacrilegiously, and in vain appointed them, and to entrust the government and administration of the dioceses of your Patriarchate, which have no lawful pastor, to other worthy and suitable presbyters of your rite, until lawful and duly elected bishops are provided for the same dioceses. Should you fail to fulfil Our commandment, We ourselves, in accordance with the obligation of Our apostolate, will take care of these dioceses.⁸⁵

On 27 January 1875, Emmanuel Asmar, bishop of Zaku, died and the see remained vacant. Patriarch Audó consecrated two more monks from the monastery of St Hormizd, Cyriac (episcopal name George) and Philip (episcopal name Jacob) Uraha, assisted by Bishop Thomas Rokos and pseudo-bishop Mathew. The first was consecrated for the vacant diocese of Zaku and the second for Malabar as an auxiliary to Bishop Mellus. These bishops were also consecrated in accordance with the ancient canonical discipline of the East, but contrary to the prescriptions of the apostolic constitution *Cum Ecclesiastica*.⁸⁶ In the meantime there were four “illegally and sacrilegiously

⁸⁵ *Ibidem*. f. 200.

⁸⁶ The Report of Cardinal Monaco La-Valletta: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea-malabarese*, February 1876, ff. 119-120.

consecrated" bishops in the Chaldean Catholic Church: Elijah Abolonian, Matthew, Philip and Cyriac. As we have seen, John Elias Mellus, who had reached Malabar, was already excommunicated.

No sooner had Bishop Philip arrived in Malabar than he was excommunicated by the Vicar Apostolic of Verapoly, Msgr Mellano.⁸⁷ According to the order of the Pope and the Propaganda Fide, Bishop Elijah Abolonian repented, relinquished his diocese, renounced his episcopal title and insignia and declared obedience to the Pope.⁸⁸ This left only two pseudo-bishops: Matthew and Cyriac, who did not even respond to the warning letters from Propaganda Fide.

The general assembly of 22 February 1876 therefore, proposed to Pope Pius IX that the pseudo-bishops Matthew and Cyril be excommunicated and that the Apostolic Delegate Leon be given the faculty to pronounce the excommunication.⁸⁹ In accordance with this decision Pope Pius IX issued the apostolic letter *Inter ea* on 17 March 1876, in which he granted the Apostolic Delegate Leon the faculty to excommunicate bishops Matthew and Cyriac, if they disobeyed the Pope and did not leave their dioceses within ten days.⁹⁰ Also due to illness the Patriarch had not yet responded to the apostolic letter *Responsum a te* of 17 September 1875 and so it was decided to take action against him after receiving his reply.

⁸⁷ *Ibidem*.

⁸⁸ Documents concerning the submission of Elijah Abolonian: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea-malabarese*, February 1876, ff. 161-168.

⁸⁹ Resolutions of the general assembly: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea-malabarese*, February 1876, ff. 137-139.

⁹⁰ Apostolic letter *Inter ea*: Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea-malabarese*, February 1876, ff. 141-144.

Even after the deadline set in the apostolic letter *Inter ea* had expired, bishops Matthew and Cyriac were not excommunicated for various reasons. It was also considered that the excommunication of these two bishops would have no positive effect if action was not also taken against the Patriarch who had perpetrated anticanonical acts, contrary to the procedure laid down in the apostolic constitution *Cum Ecclesiastica* for the papal appointment of bishops, and by the expedition of Chaldean bishops to Malabar against the orders of the Pope and the Propaganda Fide.⁹¹

Finally, on 19 March 1876 Patriarch Joseph Audo responded to the apostolic letter *Responsum a te*. He again justified the consecration of bishops contrary to the procedures of *Cum Ecclesiastica* and the expedition of Chaldean bishops to India. He also blamed the Dominican missionaries for the unrest in the Chaldean Catholic Church and for the deterioration in relations between the Holy See and the Patriarchate.⁹²

On 20 June 1876 a general assembly of the Congregation of Propaganda Fide for the Affairs of the Eastern Rite was held to discuss the execution of the apostolic letter *Inter ea* and the response of the Chaldean Patriarch Joseph Audo to the Pope's warning. The assembly unanimously decided to propose to the Pope the publication of an encyclical letter, which would describe all the unlawful acts of Patriarch Audo and illegitimate bishops, threatening them with major excommunication if they would not make total submission. The decision of the meeting reads as follows:

⁹¹ Report of Cardinal Monaco La-Valletta: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, June 1876, ff. 501-505.

⁹² Letter of Patriarch Audo: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea-malabarese*, June 1876, ff. 538-552.

“[...] By an encyclical letter to all bishops and faithful of the Chaldean rite, if it pleases His Holiness, all that has been prescribed by the Apostolic See, both regarding the election of Chaldean bishops and the reservation of jurisdiction over the Malabar Syrians, shall be made public; likewise, all that the Patriarch of the Chaldeans has carried out with reckless audacity in defiance of these prescriptions and directly against the orders of the Apostolic See, especially to the utter ruin of the souls in Malabar, shall also be made public; the arguments with which he attempts to defend himself shall be summarily refuted. Therefore, let patriarchal jurisdiction be suspended over all dioceses which have or could have no legitimate pastor because they have been entrusted by the Patriarch to pseudo-bishops, and let their government and administration be reserved to the Supreme Pontiff until the proper appointment of bishops. Against the Patriarch major excommunication and deposition shall be threatened if he obstinately persists in the offences committed within one month from the day on which this letter comes into his hands. Likewise, the invading pseudo-bishops are to be threatened with major excommunication if they do not leave the dioceses they have invaded within one month, as described above, and do not completely resign their administration and government. Furthermore, all dioceses in Mesopotamia that do not have a legitimate pastor are to be entrusted to the administration of vicar priests of the Chaldean rite, appointed by the Apostolic Delegate and entrusted with jurisdiction by an apostolic letter. For this purpose, several copies of the letters are to be sent to the same Delegate, which he may use as required, indicating on each letter the name of the person to be appointed, the title of the diocese to be served and the date of the expedition.⁹³

⁹³ Resolutions of the general assembly: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea-malabarese*, June 1876, ff. 507-508.

Pope Pius IX approved the assembly's resolutions on the same day (20 June 1876) and asked the Congregation to prepare the encyclical.⁹⁴

5.2. The Encyclical *Quae in Patriarchatu* and the Final Threat of Excommunication

In accordance with the decision of the general assembly of the Propaganda Fide for the Affairs of the Eastern Rite on 20 June 1876, approved by the Pope on the same day, a complete draft of the encyclical (comprising 31 paragraphs or sections) was prepared. This draft also fully incorporated two apostolic letters of Pope Pius IX that had already been sent to the Patriarch: *Gratias agere* of 16 November 1872 and *Responsum a te* of 15 September 1875 (numbers 13 and 18 respectively).⁹⁵ The draft of the encyclical was presented to the general assembly on 28 August 1876, which accepted it with some modifications, corrections, and additions, all of which were also approved by the Pope on the same day.⁹⁶ The final text, the encyclical *Quae in Patriarchatu* was promulgated on 1 September 1876.⁹⁷

The encyclical is a public indictment against the Chaldean Patriarch Joseph Audo, listing all the "hostile and non-canonical acts" perpetrated by the Patriarch against the orders of the Pope and the Propaganda Fide, from his election and confirmation in 1848 until the promulgation of this encyclical in 1876. Some of the important provisions as well as the last and final threat of major excommunication against the Patriarch and the

⁹⁴ *Ibidem*, f. 508.

⁹⁵ The complete draft of the encyclical: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, August 1876, ff. 647-682.

⁹⁶ *Ibidem*, f. 645.

⁹⁷ The promulgated final text in: R. De Martinis (ed.), *Iuris Pontificii (Ius Pontificium) de Propaganda Fide*, vol. VI-II, 306-317.

recalcitrant bishops, which Pope Pius IX ordered towards the end of the encyclical, are reproduced below.

Concerning Patriarch Joseph Audo: “After forty days have passed from the date on which the (encyclical) letter came into his hands, if he – God forbid! – persists in his rebellion and disobedience, and does not carry out all that We have commanded him to do, We will be compelled to execute, without further delay, the judgement against him by which he will be completely excluded from communion with Us, that is, from communion with the Catholic Church, and, bound by the bond of major excommunication, will for this reason be deprived of all spiritual jurisdiction over the faithful of his Patriarchate”.⁹⁸

Concerning the three pseudo bishops of the dioceses of Gezira, Amadia and Zaku: “We desire and order that the intruding bishops Matthew, Cyriac and Elijah, who have been raised to episcopal rank by an imprudent and sacrilegious consecration and have no jurisdiction, withdraw immediately from the aforementioned dioceses and comply fully with all that We have ordered them to do in the letter of Our aforementioned Congregation (*Inter ea*). If they have not done so within the above-mentioned forty days, and especially if they have not withdrawn from the aforementioned dioceses and have not completely and effectively renounced their wickedly usurped administration, We will also proceed against them with the sentence of major excommunication”.⁹⁹

Concerning Bishop Thomas Rokos: “Bishop Thomas Rokos, who assisted Patriarch Joseph in the second sacrilegious consecration by fulfilling the role of consecrating bishops, still shows himself rebellious despite repeated admonitions;

⁹⁸ *Ibidem*, 316.

⁹⁹ *Ibidem*, 316.

therefore We will also punish him with a similar penalty of excommunication if he does not, within forty days to be calculated as above, condemn in writing his crime and all that the Patriarch has unlawfully committed against Our constitutions and provisions".¹⁰⁰

Regarding the transitional administration of the dioceses of Gezira, Amadia and Zaku, the Pope declared: "We will take care of the government of the dioceses ourselves, which have no legitimate pastor, and entrust their administration to suitable priests of the same Chaldean rite, who have the proper and necessary powers to govern them, independently not only of the intruding pseudo-bishops, who have and can have no authority, but also of the Patriarch himself, from whom, by this our letter, all jurisdiction over these dioceses is withdrawn".¹⁰¹

4.3. Definitive and Total Submission of Patriarch Audo

On 22 January 1877, Eugène-Louis-Marie Lion OP, Apostolic Delegate of Mesopotamia, Kurdistan and Lesser Armenia, delivered the encyclical *Quae in Patriarchatu* of 1 September 1876, both in the original Latin and in the Arabic translation, to the Chaldean Patriarch Audo. It was also officially handed over to the two pseudo-bishops Matthew and Cyriac as well as to Bishop Rokos. At the same time, it was sent to all the bishops of the Chaldean rite, and many copies were distributed among the clergy and the people, not only in the Chaldean Church but also in other Eastern Catholic Churches. The encyclical was also translated into the main European languages and published simultaneously in various countries, so that several copies also reached other parts of the world.¹⁰² The

¹⁰⁰ *Ibidem*, 316.

¹⁰¹ *Ibidem*, 316-317.

¹⁰² See reports: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, April 1877, ff. 349-350 & 429-430.

impending excommunication of the Chaldean Patriarch Audo shocked the entire Catholic world and held the faithful in high suspense. The Apostolic Delegate was given all the necessary faculties to execute the provisions of the encyclical, including the pronouncement of excommunication.

After reading the encyclical, the Patriarch declared his willingness to submit to the Pope and the Propaganda Fide. As requested in the encyclical, the Apostolic Delegate appointed apostolic administrators for the dioceses of Akra, Gezira and Zaku, which until then had been governed by illegally consecrated pseudo-bishops.¹⁰³ Negotiations between Patriarch Audo and the Apostolic Delegate continued and the latter constantly consulted Propaganda Fide on various problems related to the Patriarch's submissions, including those involving the authorities of the Ottoman government.

Bishop Elijah Abolonian, the pseudo-bishop of Gezira, who had already promised complete obedience to the Pope and the Propaganda Fide in his reply to the previous communications, renewed his written submission after receiving the encyclical, made the prescribed profession of faith and definitively relinquished the diocese on 10 February 1877.¹⁰⁴

Finally, Patriarch Audo also definitively decided to execute all the provisions of the encyclical and, at the suggestion of the Apostolic Delegate Lion, wrote a letter to Pope Pius IX on 1 March 1877 in which he declared his intention to fully implement the provisions of the encyclical and promised the

¹⁰³ Letter of the Apostolic Delegate dated 24 February 1877: in Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, April 1877, ff. 401-403.

¹⁰⁴ Documentation concerning the submission of Abolonian: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, April 1877, ff. 381-382 & 420-422.

Pope complete obedience and total submission.¹⁰⁵ In a letter dated 2 March 1877, the Patriarch ordered Bishop Mellus, Bishop Philip Jacob and Monk Augustine to leave Malabar and return to Mosul.¹⁰⁶ The Patriarch also wrote to the pseudo-bishops Matthew and Cyriac, urging them to follow the instructions of the encyclical.¹⁰⁷ Thus, the Patriarch completely executed the encyclical and fulfilled all the requirements of the Apostolic Delegate to avert excommunication. In brief, intimidated by the threat of major excommunication and deposition from the patriarchal throne, Patriarch Joseph Audo, weakened by age and illness, after several years of bitter disputes and conflicts, finally and completely submitted to the Pope and the Propaganda Fide on 1 March 1877, about one year before his death on 14 March 1878.

Bishop Thomas Rokos also accepted the encyclical, fully submitted to the Pope and made the prescribed profession of faith, thus escaping excommunication.¹⁰⁸ Only the pseudo-bishops Cyriac and Matthew did not submit to Pope Pius IX within 40 days of receiving the encyclical.

The general assembly of Propaganda Fide for the Affairs of the Eastern Rite on 30 April 1877 unanimously decided to accept the submission of the Chaldean Patriarch and the concerned bishops to the Pope and Propaganda Fide. The resolutions of the assembly were confirmed by Pope Pius IX on 1 May 1877. The most important decision was to send an apostolic letter to the Patriarch, in which the Pope recognized that he had fulfilled all the demands of the encyclical *Quae in Patriarchatu* and had submitted to the Pope. Another important decision was the declaration that bishops Matthew and Cyriac, who refused to

¹⁰⁵ *Ibidem*, ff. 413-415.

¹⁰⁶ *Ibidem*, ff. 416-417.

¹⁰⁷ *Ibidem*, ff. 417-419.

¹⁰⁸ *Ibidem*, ff. 420-422.

implement the prescriptions of the encyclical and once again refused to obey the Pope incurred major excommunication.¹⁰⁹

In accordance with the decision of the general assembly, Pope Pius IX sent the apostolic letter *Solatio Nobis* on 9 June 1887, expressing his joy at the Patriarch's submission to the supreme jurisdiction of the Pope, including matters concerning the discipline of the East, and absolving the Patriarch from canonical censures and ecclesiastical irregularities.¹¹⁰

The pseudo-bishops Cyriac and Matthew, who did not submit to the Pope and the Propaganda Fide within 40 days of receiving the encyclical, were excommunicated from the Catholic Church. However, Matthew later repented and received absolution from the Pope, who forbade him from exercising episcopal functions. In contrast, Cyriac caused a minor schism in the Chaldean Church, which was also extinguished in the course of time.¹¹¹

Conclusion

After a long Pontificate of over 31 years, Pope Pius IX died on 7 February 1878, ending an era of conflict between the Holy See and the Catholic Patriarchates of the East. About a year after the complete submission to the Pope and the Propaganda Fide, Patriarch Joseph Audo also died on 29 March 1878, after having advised all bishops, priests, religious and faithful to be obedient to the Pope and the Holy See.¹¹²

¹⁰⁹ Resolutions of the general assembly approved by the Pope: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, April 1877, ff. 359-361.

¹¹⁰ The apostolic letter *Solatio Nobis*: in R. De Martinis (ed.), *Iuris Pontificii de Propaganda Fide*, vol. VI-II, 337-338; also in *Pii IX Pontificis Maximi Acta, Pars prima*, vol. VII, Romae 1877, 329-331.

¹¹¹ More information: in Vatican City, Archives of the Dicastery for the Eastern Churches, *Ponenza caldea*, December 1878, ff. 504-505 & 520.

¹¹² *Ibidem*, ff. 501-502.

Pope Pius IX was succeeded by Pope Leo XIII, who was elected on 20 February 1878. Pope Leo XIII consistently maintained a positive attitude towards the Eastern Churches and later published the famous encyclical *Orientalium Dignitas* (30 November 1894), in which he regarded the Churches of the East as worthy of honour and veneration by all of Christendom, praised their ancient apostolic traditions and emphasised the need to uphold Eastern discipline.

With the special permission of Pope Leo XIII, the synod of the legitimate bishops of the Chaldean Church assembled on 26 July 1878 in the presence of the Apostolic Delegate Lion who had special faculties from the Pope to guide the election in the difficult situation of the Chaldean Church. Elijah (Peter) Abolionan, who had been consecrated bishop of Gezira by Patriarch Joseph Audo on 24 May 1874, was elected Patriarch by an absolute majority of votes. On 28 July 1878 he was immediately enthroned as Patriarch of the Chaldean Catholic Church. In view of the special political and ecclesiastical situation of the Chaldean Church in the Ottoman Empire, a dispensation was granted from the regulations of the apostolic constitution *Cum Ecclesiastica* of Pope Pius IX, which prohibited enthronement before the election had been confirmed by the Pope.¹¹³

More than four months after the enthronement of Patriarch Elijah (Peter) Abolionan, the general assembly of Propaganda Fide for the Affairs of the Eastern Rite on 16 December 1878 decided that the Pope could confirm the election of the Patriarch in a public consistory with a discourse as it was customary at that time. Pope Leo XIII approved the decisions of the assembly on 17 December 1878 and, in accordance with this decision, a consistory was convened on 28 February 1879, at which Pope

¹¹³ *Ibidem*, ff. 501-516.

Leo XIII confirmed the election of Elijah (Peter) Abolionan as Patriarch of the Chaldean Catholic Church.¹¹⁴ After many years of conflict between Pope Pius IX and Patriarch Audō, the Chaldean Church entered a new phase of peace and harmony in the communion of the Catholic Church.

¹¹⁴ *Ibidem*, ff. 529-531 & 553-564.